

*S. 3456.
Companion bill
Promotion
Remotion*


5 JUL 1956

MEMORANDUM FOR: Legislative Counsel

SUBJECT: H. R. 10731, A Bill to Establish a Plan and Appropriate Procedures for the Promotion of Employees of the Government on the Basis of Merit.

1. Subject bill proposes a plan and procedure for the promotion of government employees of the classified civil service. The plan would be administered on either an Organization or servicewide basis. This system would use unassembled examinations to provide a system of numerical ratings which would be based upon factors of experience, length of service, and demonstrated capacity to assume greater responsibility. The examinations would not be written unless there was a need to demonstrate knowledge of specific techniques or procedures. Lists of personnel eligible for promotions would be established based on the examinations. Selection of individuals for promotion either servicewide, or agencywide would be made from the top three names appearing on the listings. A very similar procedure is proposed in the same bill for the Postal Field Service.

2. This measure would cover only positions in the executive branch of the Government which are subject to the Classification Act of 1949. Positions exempt from the act and positions excepted from the competitive civil service under Schedules A, B, and C are not included. This Agency is exempt from the Classification Act and cites 50 USCA 403 J as its own statutory authority for appointments. Consequently, the measure would not apply to us. No action by your office is recommended. It is requested, however, that we be informed as to the bill's further progress and disposition. STATINTL


Harrison G. Reynolds
Director of Personnel

STATINTL

Approved For Release 2002/01/02 : CIA-RDP59-00224A

DATE

23 March 1956

NOTICE OF PENDING LEGISLATION

LEGISLATIVE BILL NO.

S. 3456

SECTION I

GENERAL

TO : OGC
Dir/PersonnelFROM: LEGISLATIVE COUNSEL
OFFICE OF GENERAL COUNSEL

THE ATTACHED BILL, WHICH HAS BEEN INTRODUCED INTO CONGRESS, IS:

☐ SENT TO YOU FOR INFORMATION ONLY.☐ A BILL ON WHICH FAVORABLE CONGRESSIONAL ACTION ☐ IS ☐ IS NOT PREDICTED.☒ SENT FOR YOUR COMMENT AS TO WHETHER IT IS OF INTEREST TO CIA ACTIVITIES, AND WHETHER FURTHER ACTION BY THIS OFFICE IS NECESSARY OR DESIRED.

IT IS REQUESTED THAT COMMENTS CONCERNING THIS LEGISLATION BE FORWARDED, THROUGH APPROPRIATE CHANNELS, TO THIS OFFICE, BY

FOLD
HERE

SECTION II

COMMENTS (From Original Addressee)

TO : LEGISLATIVE COUNSEL
OFFICE OF GENERAL COUNSELFROM:
Office of General CounselFOLD
HERE

1. This Agency is in terms excepted from the provisions of this bill (see Section 2). In line, however, with our general policy to comply with general Government personnel policies under the Classification Act of 1949 to the extent that our peculiar functions permit, it may be considered desirable for us to comply with the policy to the maximum extent possible.

2. In general the bill provides for departmental promotional boards, promotional examinations, promotional lists to be compiled from the results of such examinations, and that promotion shall be made on the basis of these lists. In these provisions there is nothing objectionable.

3. The Civil Service Commission, however, would be given by the bill over-all authority to supervise this program. Compliance with the provisions would be at variance with our general policy, sanctioned by law, that our personnel strengths, identities, and assignments will not be revealed to the Commission.

4. No action by the Agency in relation to this bill seems called for. However, if the bill seems likely of passage, it might be well to discuss with the Civil Service Commission ways in which we might implement these policies without impairing our security; alternatively, an internal policy decision might be made that voluntary compliance with these provisions would not be appropriate for the Agency.

STATINTL

DATE OF COMMENTS

5 April 1956

EXTENSION

DR59-00224A000200330001-7
Assistant General Counsel

84TH CONGRESS
2D SESSION

S. 3456

IN THE SENATE OF THE UNITED STATES

MARCH 15 (legislative day, MARCH 13), 1956

Mr. JOHNSTON of South Carolina introduced the following bill; which was read twice and referred to the Committee on Post Office and Civil Service

A BILL

To establish a plan and appropriate procedures for the promotion of employees of the Government on the basis of merit.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 TITLE I—EMPLOYEES SUBJECT TO

4 CLASSIFICATION ACT

5 DECLARATION OF POLICY

6 SECTION 1. It is the purpose of this Act to provide a
7 plan and procedures for the promotion of Government em-
8 ployees which will provide an appropriate incentive for em-
9 ployees to seek careers in the public service and which will

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1 facilitate the filling of positions with persons of demonstrated
2 ability, dependability, and capacity for advancement.

3 COVERAGE

4 SEC. 2. This title shall apply to all positions in the
5 executive branch of the Government and the municipal
6 government of the District of Columbia, which are subject
7 to the Classification Act of 1949, as amended, except posi-
8 tions which are exempt from such Act under the provisions
9 of section 202 thereof, and positions which are excepted
10 from the competitive civil service under schedules A, B, and
11 C of Civil Service rule VI.

12 FILLING OF POSITIONS

13 SEC. 3. (a) Consistent with the objectives of a merit
14 system, positions in the departments and agencies, to which
15 this title applies, shall be filled by appointment, reinstate-
16 ment, transfer, or promotion of persons who are eligible
17 under this title or under some other applicable provision of
18 law.

19 (b) Vacancies in all such positions shall be filled, inso-
20 far as practicable and consistent with the public interest, by
21 the promotion, in accordance with the procedure herein pro-
22 vided, of persons whose names appear on appropriate pro-
23 motion registers.

24 COMMISSION TO DETERMINE APPLICABILITY OF PROVISIONS

25 SEC. 4. The Civil Service Commission, hereinafter re-

ferred to as "the Commission", is authorized and directed to determine finally the applicability of provisions of this title to specific positions or to persons who are or may be considered to be eligible for promotion to any position subject to this title. Any part of the authority of the Commission may be delegated to the departmental promotional boards established under section 6, or to such officers in a department or agency as the Commission may deem desirable.

PROMOTIONAL LISTS

SEC. 5. (a) To facilitate the determination of eligibility for promotion, the departments and agencies shall, under conditions prescribed by the Commission, establish appropriate promotional lists.

(b) The Commission shall prescribe conditions under which eligibility may be transferred from one subdivisional or departmental promotional list to another subdivisional or departmental promotional list when such lists have been established for positions in the same class or at a comparable level of responsibility.

DEPARTMENTAL PROMOTIONAL BOARDS

SEC. 6. (a) There shall be established in each department or agency having employees subject to this title a departmental promotional board which shall be composed of a chairman, who shall be designated by the Civil Service Commission, and two other members who shall be designated

1 by such chairman and the head of the department or agency
2 acting jointly. There shall be an alternate member pro-
3 vided for the chairman and each other principal member who
4 shall serve during the absence of such principal member or
5 when the principal member is unable to serve for any other
6 reason. An alternate member shall be designated in the
7 same manner as the principal member. The terms of such
8 principal and alternate members shall be one year.

9 (b) It shall be the duty of each departmental pro-
10 motional board to establish and maintain in the department
11 or agency for which it functions a promotion system in ac-
12 cordance with the terms of this title. The Board shall, under
13 authority of the Civil Service Commission, announce and
14 arrange for examinations or other appropriate tests of eligi-
15 bility for the promotion of employees in the department or
16 agency, or subdivision thereof.

17 PROMOTIONAL EXAMINATIONS

18 SEC. 7. (a) Whenever it has been determined by the
19 Commission or by a department or agency that the needs
20 of the service so require, the Commission may announce and
21 hold a servicewide promotional examination for the purpose
22 of establishing a servicewide promotional list, or a depart-
23 ment or agency may announce and hold a promotional ex-
24 amination for the purpose of establishing departmental or
25 subdivisional promotional lists. Such examinations shall be

1 as objective as possible, with the major weight given to
2 the candidate's experience, length of service, and demon-
3 strated capacity to assume greater responsibility. They
4 shall be written only to the extent that it may be necessary
5 to demonstrate knowledge of specific techniques or proce-
6 dures, and in no case shall a written examination be required
7 in lieu of performance in the next appropriate lower level of
8 responsibility.

9 (b) Whenever a position to which appointment is re-
10 quired is vacant, the appropriate administrative officer shall
11 cause to be stated in a public notice the fact that such va-
12 cancy exists or is shortly to exist and that appointment
13 thereto will be made in accordance with promotional pro-
14 cedure required by this title. Such notice shall also indicate
15 whether an appropriate promotional eligibility list is avail-
16 able or whether a further examination will be necessary.

17 ELIGIBILITY TO COMPETE IN PROMOTIONAL EXAMINATIONS

18 SEC. 8. (a) Except as provided in subsection (d), com-
19 petition in promotional examinations shall be open to all
20 officers and employees in or under the Federal Government
21 or any agency or instrumentality thereof and to all officers
22 and employees in or under the municipal government of the
23 District of Columbia.

24 (b) Whenever an open competitive examination is held

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1 which is an appropriate test for promotion to certain classes
2 of position, employees may be permitted to qualify in such
3 examination on a promotional basis and upon successful
4 participation to have their names entered upon appropriate
5 promotional lists.

6 (c) The Commission, after consultation with the depart-
7 ments and agencies, shall prescribe conditions under which
8 employees whose names are on appropriate competitive
9 eligibility registers of the Commission may be permitted to
10 compete in a promotional examination and to attain eligibility
11 for appointment to a position in a higher grade or level of
12 responsibility.

13 (d) No employee may participate in a promotional
14 examination unless he has the minimum education and expe-
15 rience qualifications for the class and grade level of the
16 position for which it is held as well as any license, certificate
17 or other evidence of fitness prescribed.

18 GRADING OF EXAMINATIONS AND ESTABLISHMENT OF
19 REGISTERS

20 SEC. 9. (a) All promotional examinations, whether as-
21 sembled for a written test or unassembled, shall be graded
22 under the supervision of the departmental promotional board
23 for the department or agency involved, or by the Commission
24 if the test is servicewide.

25 (b) Ratings accorded competitors shall be expressed in

1 percentages with 70 per centum being the minimum qualify-
2 ing rating. It is within the discretion of the Commission or
3 a departmental promotional board to require a higher mini-
4 mum percentage, which minimum shall in no case exceed
5 85 per centum. In any examination, the appraisal of edu-
6 cation, experience, and personal qualifications may be made
7 by formula applied to the information and data given on an
8 official application form. In the case of a written examina-
9 tion, such information submitted on the application shall be
10 considered as part of the total grading of the applicant. In
11 applying a formula, appropriate weights shall be assigned to
12 the various parts of an examination so as to represent the
13 relative value of each part in the whole examination.

14 (c) Promotional lists shall be established by the grade or
15 level of responsibility of the positions for which such lists
16 are to be used. Certification from such lists shall be
17 made by the departmental promotional board, or by
18 the Civil Service Commission in the case of a servicewide
19 promotional list. An appointing officer shall make selection
20 for the first promotional appointment from the highest three
21 eligibles available for appointment on the certificate. For
22 the second promotional appointment, he shall make selection
23 from the three highest unselected and available eligibles on
24 the certificate. Each succeeding promotional appointment
25 shall be filled in like manner.

1 (d) An employee who resigns from the service shall
2 relinquish his right to promotion. If his name appears on
3 any promotional eligible list, it shall be thereafter withheld
4 from certification. If the employee later regains the employ-
5 ment status from which he resigned, or another status that
6 would have entitled him to take the examination from which
7 he gained his promotional eligibility, he shall again be
8 eligible for certification, but only from such list or lists as
9 apply to his new status. If an employee resigns while
10 competing in a promotional examination, his name shall not
11 be placed on the resulting promotion eligible list.

12 REVIEW OF RATING

13 SEC. 10. (a) Within thirty days after receiving notice
14 of the result of a promotional examination, a competitor who
15 has failed to qualify in the examination may appeal to the
16 departmental promotional board, or to the Commission if
17 the examination is servicewide, for a review of his rating.
18 He shall be permitted to make a full statement of his argu-
19 ment with copies of any supporting evidence which may be
20 relevant.

21 (b) Any employee who feels aggrieved at any action
22 taken by any supervisor or fellow employee in discouraging
23 or in any manner hindering or preventing him from taking
24 any examination or other action which he deems beneficial to

1 himself may appeal to the departmental promotional board
2 or to the Commission in writing. Any such appeal or com-
3 munication in connection therewith shall be deemed con-
4 fidential and shall not be disclosed without the consent of
5 the employee taking such appeal. Immediately after re-
6 ceiving such appeal the board shall investigate and shall
7 take such action as it deems necessary.

8 INSPECTION OF EXAMINATION RECORDS

9 SEC. 11. A competitor in a promotional examination
10 may, within thirty days after receipt of the results of such
11 an examination, inspect his examination papers or such other
12 form on which his final rating was based. Such inspection
13 shall be under the supervision of a representative of the Com-
14 mission or the departmental promotional board. Examina-
15 tion papers containing copyrighted or standardized examina-
16 tions will not be available for such inspection, but insofar
17 as it is possible the competitor shall be given the reasons for
18 his rating.

19 REGULATIONS

20 SEC. 12. The Commission is authorized to issue such
21 regulations as may be necessary for the administration of
22 this title. In developing such regulations, the Commission
23 shall confer with officers or representatives of national organ-
24 izations having membership in the Federal civil service.

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1 EFFECTIVE DATE

2 SEC. 13. This title shall become effective ninety days
3 following the date of enactment.

4 TITLE II—EMPLOYEES IN POSTAL FIELD
5 SERVICE

6 SEC. 201. Section 502 (b) of the Postal Field Service
7 Compensation Act of 1955 is hereby amended to read as
8 follows:

9 “(b) (1) The Postmaster General shall determine the
10 supervisory needs in each organizational unit in the field
11 service of the Post Office Department and shall fix the
12 number of supervisors to be employed in accordance with
13 the salary schedules provided in section 301 (a) of this Act.

14 “(2) Regular clerks and carriers in step 7 of salary
15 level PFS-4 and above in first- and second-class offices shall
16 be eligible for promotion to supervisory positions in their
17 respective offices, except that, if an office does not have any
18 such clerks or carriers, eligibility shall be extended to regular
19 clerks and carriers in the next lower step or level in which
20 such clerks or carriers are available.

21 “(3) Promotions to supervisory positions in salary level
22 PFS-7 and above shall be made by the Postmaster General
23 on the basis of experience and superior capacity as shown
24 by competitive examination. Examinations shall be con-
25 ducted by the Civil Service Commission and a list of eligibles

1 in the order of their respective ratings shall be furnished
2 to the promoting officers who shall make the promotion
3 from one of the three top eligibles on the examination. In
4 any case in which any such list of eligibles contains fewer
5 than three names, the promoting officer may either make
6 the promotion from such list, or, upon his request, shall be
7 furnished with another list of eligibles.

8 “(4) In determining the rating of candidates, there
9 shall be added to the earned rating received on the written
10 examination of all those who receive an eligible rating one
11 percentage point for each full year of service not to exceed
12 seven, and one-half percentage point for each year of service
13 thereafter, as a classified employee of the postal service, in-
14 cluding military service which has been credited as classified
15 service. But in no case shall the number of percentage
16 points added to any earned rating under this subsection ex-
17 ceed an aggregate of fifteen percentage points.

18 “(5) Written promotions examinations for supervisory
19 positions shall be a test designed to measure the ability to
20 perform the duties of the position including the ability to
21 lead and direct the work of others. The contents of the test
22 shall be determined by analysis of the duties of the position.
23 In determining the earned rating of candidates, the percent-
24 age system shall be used; and in no case shall a candidate

1 receive an earned rating of more than one hundred percent-
2 age points on the examination.

3 “(6) Supervisory positions in salary level PFS-7 in first-
4 class offices shall be filled by examination among eligible
5 clerks and carriers. Supervisory positions in salary level
6 PFS-8 and above in such offices shall be filled by examina-
7 tion among supervisors in the same manner and under the
8 conditions specified in paragraphs (3), (4), and (5)
9 above except that in those offices where there are less than
10 four supervisors in salary level PFS-7 those in salary level
11 PFS-7 shall be eligible for promotion to the next higher
12 supervisory grade without further examination.

13 “(7) Positions above those of general superintendent of
14 mails in salary level PFS-11 shall be filled by the Postmaster
15 General from the lower supervisory ranks without exam-
16 ination.

17 “(8) The position of superintendent of mails in salary
18 level PFS-8 and below shall be filled by examination among
19 eligible clerks and carriers in the same manner and under
20 the conditions specified in paragraphs (3), (4), and (5)
21 above.

22 “(9) The position of assistant postmaster in salary level
23 PFS-9 in first-class offices shall be filled by examination
24 among eligible clerks, carriers, and superintendent of mails

1 in the same manner and under the conditions specified in
2 paragraphs (3), (4), and (5) above.

3 “(10) The position of assistant postmaster in second-
4 class offices shall be filled by examination among eligible
5 clerks and carriers in the same manner and under the condi-
6 tions specified in paragraphs (3), (4), and (5) above.

7 “(11) Examination shall be held in even numbered
8 years and oftener when required and the names of eligibles
9 resulting from such examination shall be added to the existing
10 register in accordance with the grade attained: *Provided*,
11 That employees who have attained places on the register as
12 a result of a previous examination may compete in subsequent
13 examinations and their names shall be entered on the register
14 in accordance with their most recent grade, otherwise the
15 names of eligibles resulting from previous examinations shall
16 not be removed from registers except by reason of promo-
17 tion, separation from the postal service, or death.

18 “(12) The Civil Service Commission is hereby author-
19 ized to issue such regulations as may be necessary for the
20 carrying out of the provisions of this section.

21 “(13) As used in this section, the term ‘supervisory
22 positions’ shall not be construed to include the position of
23 postmaster.

24 “(14) Any existing laws or regulations which do not
25 conform to the provisions of this section are hereby repealed.”

84TH CONGRESS
2D SESSION

S. 3456

A BILL

To establish a plan and appropriate procedures
for the promotion of employees of the Gov-
ernment on the basis of merit.

By Mr. JOHNSTON of South Carolina

MARCH 15 (legislative day, MARCH 13), 1956
Read twice and referred to the Committee on Post
Office and Civil Service